

1                                   **ALABAMA ONSITE WASTEWATER BOARD**

2                                   **MINUTES OF MEETING**

3                                   July 24, 2018

4    The one hundred-second quarterly meeting of the ALABAMA ONSITE  
5    WASTEWATER BOARD (hereinafter referred to as “the Board”) was called to order at  
6    9:05 a.m., July 24, 2018, at the Board’s administrative offices located at 60 Commerce  
7    Street Suite 1500 by Randall Anderson, Chairman.

8    **PRESENT**

9    Board Members present – Michael Dansby, Michelle Stephens, David Mastin, Sharon  
10   Kimbrough, Dr. Kevin White and Leigh Willis. Officers present were Randall Anderson-  
11   Chair; Derrick Hutchins, Vice-Chair and David Vogelgesang, Treasurer. Other guests:  
12   Melissa Hines (Executive Director) Bettie Carmack (Attorney for AOWB), Tracy Welch  
13   (AOWB), Kristie Frost, Executive Director (AOWA), Dave Roll, Retired Executive  
14   Director (AOWA), Robert Joiner (AOWB), Richard Grah (AOWB), Daniel Wismulek  
15   (ADPH), Kendall Bush (ADPH), Johnny Burrell (ADPH), Sherry Bradley (ADPH),  
16   Cindy Goocher (ADPH), James LeMaster and Alfonza Menefee.

17   **SPECIAL GUESTS**

18   Chairman Anderson asked for our special guests to be recognized. Executive Director,  
19   Melissa Hines, introduced **Mr. James LeMaster**. Mr. LeMaster is here today because he  
20   was sent notice that he was in violation of AOWB Rule: 628-X-4.02 (6) *Failure to*  
21   *renew license from February 16 thru December 31 of each calendar year - \$100.00 for*  
22   *each license you hold and \$250.00 penalty fee and shall include the inactive license*

23 *and/or certificate of education.* Mr. LeMaster thought he submitted the payment for  
24 inactive license of 2018; however, until he received notice of suspended license, he was  
25 unaware there was a problem. He thinks he may have sent the check and we did not  
26 receive it; however, he has not checked with his bank to see if said check has cleared. He  
27 has not performed any work in 2018. Chairman Anderson thanked Mr. LeMaster for his  
28 time and he was advised that the Executive Director would be back in touch with him by  
29 Monday. Executive Director, Melissa Hines, introduced the next guest, **Alfonza**  
30 **Menefee**. Mr. Menefee is in violation of AOWB RULE: 628-X-3-.04 (d) *Any Advanced*  
31 *Level I license or Advance Level II license which has not been restored within one year*  
32 *following its expiration shall not be renewed, restored, or reissued, and the holder shall*  
33 *apply for and obtain a Basic Level Installer License; upon compliance with all*  
34 *qualifications and requirements for a Basic Level Installer License the holder can apply*  
35 *for an Advance Level I license. The holder must complete all the time requirements,*  
36 *systems and educational requirements for an Advance Level I License before applying for*  
37 *an Advance Level II License.* Mr. Menefee wants to bring his Advanced Level I license  
38 current. His License expired 12/31/15. On 4/26/16, Mr. Menefee paid his renewal fees  
39 for 2016. However, he only obtained 4 hours of continuing education and needed 8  
40 hours. He was not issued a license for 2016. Research shows the bond has been current  
41 each year. Mr. Menefee needs to submit the following to be completely up to date: 20  
42 hours of continuing education and \$1500 payable to the AOWB. He believes that this  
43 may have slipped his mind because he had to become his wife's primary and only  
44 caregiver due to Alzheimer's. Mr. Menefee would like to go this route and avoid having  
45 to go back through the first-time basic training and testing as he is an advanced level I

installer. The Executive Director thanked Mr. Menefee and advised him that she will be in contact with him by Monday.

Chairman Randall Anderson opened the floor for discussion regarding James LeMaster or if there was a motion. Michelle Stephens made the motion that we collect the Inactive License fee (\$50.00) and issue the license. Dr. Kevin White seconded the motion. Roll

Call Vote: Michael Dansby- Yes, Derrick Hutchins – Yes, Sharon Kimbrough – yes;

David Mastin – yes; Michelle Stephens- Yes, Dr. Kevin White- Yes, Leigh Willis-

abstain and David Vogelgesang- Yes. Motion carries. Chairman Randall Anderson

opened the floor for discussion regarding (Judge) Alfonza Menefee. The Chairman

asked if there was a motion. Michelle Stephens made the motion that we allow Mr.

Menefee to complete his 20 hours continuing education and pay fees of \$1500.00. By

doing so he will remain an Advance Level I Installer and will not have to go back to basic

installer training. David Vogelgesang seconded the motion. Roll Call Vote: Michael

Dansby- Yes, Derrick Hutchins – Yes, Sharon Kimbrough – yes; David Mastin – yes;

Michelle Stephens- Yes, Dr. Kevin White- Yes, Leigh Willis- abstain and David

Vogelgesang- Yes. Motion carries.

## **MINUTES**

David Mastin made motion to accept the minutes from April 24, 2018 as presented;

David Vogelgesang seconded the motion; Roll Call Vote: Michael Dansby- Yes, Derrick

Hutchins – Yes, Sharon Kimbrough – yes; David Mastin – yes; Michelle Stephens- Yes,

Dr. Kevin White- Yes, Leigh Willis- Yes and David Vogelgesang- Yes. Minutes are

approved. Motion carries

69     **TREASURERS REPORT**

70     David Vogelgesang, Treasurer, presented the treasurers report. A new format of  
71     Receipts, Expenses and Cash balance was included in the Board Member packets. The  
72     info reflects October 1, 2017 – June 30, 2018, the Total Receipts were \$321,280.50; Total  
73     Expenses were \$339,727.78. Mr. Vogelgesang wanted to point out that the expenses  
74     included the **\$13,000.00** for STAARS Advantage system (– this is now paid in full and  
75     will no longer be an expense for AOWB) and **\$52,257.01** that had to be transferred back  
76     to the General Fund. Also listed are Projected 4<sup>th</sup> Quarter Projected Income: *\$16,600.00*;  
77     Projected Expenses: *\$92,000.00*, which reflects a projected excess of *\$7,313.74*. Dr.  
78     Kevin White made the motion to approve the treasurers report as presented. Michael  
79     Dansby seconded the motion. By a show of hands, the Treasurers Report was accepted  
80     unanimously. Budget Goal – Cash Reserve – David Vogelgesang wanted to recommend  
81     and make a motion for a cash reserve (15% in access of annual budget) targeted for the  
82     end of the year. David Mastin seconded the motion. By a show of hands, the motion  
83     carries.

84     Administrative Hearings At 9:34 a.m. the Board held Administrative Hearings on the  
85     following: Patrick Price – 2018-0020; Patrick Price – 2018-0022; Jimmy Lightsey 2018-  
86     0018; Willie Parker 2018-0018. The Administrative Hearings were presided over by  
87     Administrative Law Judge Paul Roy Cooper. Once Mr. Cooper receives the transcripts,  
88     he will make his recommendation to the Board at the October quarterly Board Meeting.  
89     The Board resumed regular business at 11:35 a.m.

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92     **CONSENT AGREEMENTS**

93     Board Attorney, Bettie Carmack, requests that Executive Director, Melissa Hines, now  
94     present the Consent Agreements previously handled by the Board Attorney in the past.

95     **Consent Agreement 2018-0007** – a licensed Advanced Level I Installer; installed  
96     without permit from the Lowndes County Health Department. He was sent a consent  
97     agreement with a fine amount of \$750.00. He has paid \$750.00 in full for this consent  
98     agreement. Dr. Kevin White made the motion to accept the consent agreement; Michael  
99     Dansby seconded the motion. Roll Call Vote: Michael Dansby- Yes, Derrick Hutchins –  
100    Yes, Sharon Kimbrough – yes; David Mastin – abstain; Michelle Stephens- Yes, Dr.  
101    Kevin White- Yes, Leigh Willis- abstain and David Vogelgesang- Yes. Motion carries.

102    Executive Director Hines advised the name of the individual in question is Charlie King.

103    \*\*\*\*\**There was brief discussion led by Derrick Hutchins (Vice-Chairman) asking why*  
104    *we have some cases coming before the Board as hearings and then we have some consent*  
105    *agreements presented for the Board to vote on. It was explained by Executive Director,*  
106    *Melissa Hines; Board Attorney, Bettie Carmack; and Board Chairman, Randall*  
107    *Anderson, that the Consent agreements have already gone through Probable Cause and*  
108    *the Board is now ratifying the fines. \*\*\*\*\**

109    **Consent Agreement 2018-0014** – Unlicensed Installer; no permit from Winston County  
110    Health Department. The Consent agreement is for \$750.00. This person has since  
111    obtained his Installer's license and has paid the \$750.00 in full. Michael Dansby made  
112    the motion to accept the consent agreement; David Vogelgesang seconded the motion.  
113    Roll Call Vote: Michael Dansby- Yes, Derrick Hutchins – Yes, Sharon Kimbrough –  
114    yes; David Mastin – yes; Michelle Stephens- Yes, Dr. Kevin White- Yes, Leigh Willis-

115 Abstain; and David Vogelgesang- Yes. Motion carries. Executive Director Hines advised  
116 the name of the individual in question is Ronnie Robinson.

117 **Consent Agreement 2018-0068** – Subject installed a system in Bullock County without  
118 a permit from Bullock County Health Department and without a license. The Consent  
119 Agreement is for \$2000 (there is a payment plan in place for \$500 beginning in July, with  
120 final payment in October) Subject has made his first payment of \$500.00; he is to cease  
121 installations until he is licensed, and he is to refund the homeowner the amount that was  
122 paid to him; \$2260.00. Michael Dansby made the motion to accept the consent  
123 agreement; David Mastin seconded the motion. Roll Call Vote: Michael Dansby- Yes,  
124 Derrick Hutchins – Yes, Sharon Kimbrough – yes; David Mastin – yes; Michelle  
125 Stephens- Yes, Dr. Kevin White- Yes, Leigh Willis - Abstain and David Vogelgesang-  
126 Yes. Motion carries. Executive Director Hines advised the name of the individual is  
127 Robert Glasco.

128 At 11:57 a.m. David Mastin made the motion to go into Executive Session to discuss the  
129 good name and moral character of Paul Cooper. David Vogelgesang seconded the  
130 motion. All approved by a show of hands. Motion Carries. The Board and Executive  
131 Director then met in Executive Session. At 12:11 David Mastin made the motion to  
132 come out of Executive Session and David Vogelgesang seconded the motion. By a show  
133 of hands all approved, motion carries.

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138 **EXECUTIVE DIRECTORS REPORT**

139 **SUNSET AUDIT** – The Sunset Committee voted to continue the AOWB for 1 year with  
140 no modifications. This motion was made by Senator Clyde Chambliss because of his  
141 concerns over the excess and deficit in our budget; his office was contacted, and a  
142 meeting was set with Senator Chambliss for 7/24/18. All his questions were answered;  
143 he reviewed the budget. He is a strong supporter of the AOWB, being an Engineer  
144 himself, and feels very strongly that this industry needs to be regulated. He was  
145 concerned about the significant findings from previous audits that had not been taken  
146 care of; however, they have all been resolved and we brought that to his attention. The  
147 Senator said that we would go through another short audit and that the Executive Director  
148 will need to send a letter to the Sunset Committee in mid-December addressing the  
149 concerns and confirming that they had all been resolved. This would be presented to the  
150 Legislature who could then modify the motion and hopefully this would reflect  
151 continuing the AOWB for 2 more years instead of 1 year before the next Sunset Audit.

152 **NOEL STACEY** – has been an Advanced Level I licensee since 2002; no complaints  
153 filed against him; has been late renewing license before in 2010 and 2016, but paid fees  
154 due. He has submitted \$300 for renewal of his Level I license but is asking the Board to  
155 waive his late fees of \$350. Mr. Stacey stated that his father passed away near the end of  
156 2017 and he had a lot of family business to deal with and became overwhelmed and he let  
157 several things get lost in the shuffle. The Executive Director's recommendation is to  
158 waive the late fees. Discussion was had. David Mastin made the motion to waive the  
159 late fees; Michael Dansby seconded the motion. Roll Call Vote: Michael Dansby- Yes,  
160 Derrick Hutchins – Yes, Sharon Kimbrough – yes; David Mastin – yes; Michelle

Stephens- Yes, Dr. Kevin White- Yes, Leigh Willis - Abstain and David Vogelgesang-  
Yes. Motion carries.

**VICTOR RAY MOORE** – has been an Advanced Level I licensee since 2005. He has  
had no complaints filed against him. He has been late renewing several times. He is  
asking the Board to waive his late fees of \$350.00. He was injured in November 2017  
and had to have hip surgery in February 2018. He is now in better health and wants to  
work. Discussion was had. Michael Dansby made the motion to waive the late fees;  
Michelle Stephens seconded the motion. Roll Call Vote: Michael Dansby- Yes, Derrick  
Hutchins – Yes, Sharon Kimbrough – yes; David Mastin – no; Michelle Stephens- Yes,  
Dr. Kevin White- No, Leigh Willis - Abstain and David Vogelgesang- Yes. Motion  
carries.

**JARED WATSON** – (see attached email from Mr. Watson) Mr. Watson has been a long  
time septic system installer and in good standing for over 10 years; however, in 2015 he  
had a vehicle accident which caused him to have to have a hip replacement and has had  
numerous complications resulting from accident and surgery. He is ready to get back to  
work and wants to get his license reinstated without having to attend new licensee  
training therefore keeping his Advanced Level I status. He is also requesting for late fees  
and penalties to be waived. He wants to pay \$600 for 2017 and 2018 licenses and  
complete the required 16 hours of continuing education. Discussion was had. Dr. Kevin  
White made a motion that Mr. Watson go back to training for Advanced Level I (the  
training has been updated); obtain the total amount of continuing education hours needed  
and pay all fees due. David Mastin seconded the motion. All approved, the motion  
carries.



184 **RIGGS R BRASHER** – see attached letter that Mr. Brasher sent to Sherry Bradley of  
185 ADPH and forwarded it to the Executive Director to be presented at Board Meeting. To  
186 summarize, Mr. Brasher advised that he and others who had been in the business for a  
187 long time were opposed to having to miss work to attend continued education meetings  
188 that cover the same information year after year and were hoping to be “grandfathered in”  
189 due to the Advanced Installer license and number of years in the business. Discussion  
190 was had. Chairman Randall Anderson summarized the discussion, stating the Board  
191 recommends the Executive Director to send letters out regarding the other options for  
192 continuing education. Dr. White pointed out that Allen Tartt with AOWA/UWA is  
193 looking at changing/updating continuing education and that the other options for  
194 continuing education are on the AOWB website.

195 **PATRICK PRICE** – see copy of Section II form that was submitted to AOWB to apply  
196 for Basic Installer license. The Board’s approval is needed to issue the license; Mr. Price  
197 was the subject of two Administrative Hearings that were held today. The Board does  
198 not know the Judge’s ruling on the hearings at this time and the Board does have the  
199 option to not qualify him for the license. Michael Dansby made the motion to table the  
200 issue until the next Board meeting; David Mastin seconded the motion. By a show of  
201 hands, the motion carries.

202 ***UPCOMING TERM EXPIRATION:*** Dr. Kevin White – 9/30/18. Dr. White stated that  
203 he will submit a letter to the Executive Director to reflect he can continue serve as a  
204 Board Member, holding the Education Seat.

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207 ***TOTAL CONSENT AGREEMENTS AND LICENSES AS OF 6/30/2018:***

208 As of January 1, 2018, there have been 18 consent agreements totaling \$12,100.00 and 26  
209 completed complaints. LICENSES as of 7/16/2018: Basic Installer – 373; Advanced  
210 Level I – 296; Advanced Level II – 84; Pumper – 338; Manufacturers License – 47;  
211 Portable Restroom License – 17; Inactive License – 80. The Training scorecards are  
212 attached. The top 2 training sponsors for 2017 and 2018 are AOWA and Red Vector.

213 **ENFORCEMENT REPORT**

214 There were 0 compliance visits; 0 manufacturing plant visits, there are 5 complaints  
215 pending probable cause, 6 complaints received for the quarter and 2 holding for hearings.

216 **NEW BUSINESS** – Adoption of the AOWB Disciplinary Procedures (emailed to all  
217 Board Members on July 13, 2018. It has been reviewed by the Board Attorney, Bettie  
218 Carmack. David Mastin made the motion to adopt the Procedures as written; Leigh  
219 Willis seconded the motion. Roll Call Vote: Michael Dansby- Yes, Derrick Hutchins –  
220 No, Sharon Kimbrough – yes; David Mastin – Yes; Michelle Stephens- Yes, Dr. Kevin  
221 White- Yes, Leigh Willis - Yes and David Vogelgesang- Yes. Motion carries to adopt as  
222 written.

223 **UNFINISHED BUSINESS**

224 **AOWB RULE REVISION** – The Rules committee (Dr. White, Randall Anderson,  
225 David Mastin, Allen Tartt and Leigh Willis) have been working on revisions of the  
226 AOWB rules. Executive Director, Melissa Hines, passed out copies to all Board  
227 Members and recommended tabling this topic until the October Meeting. This would  
228 allow for Board Members to review and provide suggestions or issues with any of the  
229 recommended changes.

230 **PUMPER TECHNICIAN CERTIFICATION** – The Executive Director presented the  
231 Pumper Technician Certification program proposal at the last AOWA Board meeting.  
232 The AOWA is not in favor of this program. AOWB will table the request at this time.

233 **BOARD MEMBER REPORTS**

234 Dr. Kevin White reported that the new training for Advanced Level I started this week. It  
235 is more “hands on” training than in the past. A book is being used; the cost of the book is  
236 included in the cost of the class. The Education Committee hopes to have new training  
237 for Advanced Level II next year.

238 **CONTINUING EDUCATION PROJECTS** – Dr. White made motion to recommend  
239 the Board approve the following education projects:

240 (A) Onsite Training Project (repair job) 5 attendees; sponsored by Jackson County  
241 Health Department with a September training proposed (contact is Lynn Cisco).

242 (B) Helping Hands Project – Dekalb County Health Department sponsoring (Karen  
243 Hope, contact). There will be installation or repairs done in the field.

244 David Vogelgesang seconded the motion. By a show of hands, the motion passes.

245 **BOARD MEMBER TRAINING** – The Executive Director received a letter from the  
246 Board of Examiners of Public Accounts announcing the return of their  
247 Board/Commission Training. The first Training is scheduled for September 12, 2018  
248 from 9:00 a.m. to 3:00 p.m. There will be other training scheduled in December, March  
249 and June to give Board/Commission Members and staff multiple dates in which to attend.  
250 The Board of Examiners **highly** encourages Board Members, Executive Directors,  
251 accounting personnel and attorneys to attend.

252 **CLOSING REMARKS FROM CHAIRMAN** – Randy Anderson encouraged all the  
253 Board Members to watch the State of Washington's videos that were put out on You  
254 Tube. Septic 101 and Septic 201. Randy highly recommends these videos and uses them  
255 himself for training others.

256 **ADJOURNMENT**

257 David Mastin made the motion to adjourn at 1:21 p.m.; Derek Hutchins seconded the  
258 motion. By a show of hands, the motion to adjourn was approved unanimously. The  
259 next quarterly meeting will be held on October 23, 2018.

260

261 Minutes submitted by: Tracy Welch

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263 Approved by: Randall Anderson

A handwritten signature in black ink, appearing to be 'SA', written over a horizontal line.

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265 Recording Secretary

A handwritten signature in blue ink, appearing to be 'Tracy Welch', written over a horizontal line.